

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

BASIL MARCEAUX, SR.)
Plaintiff,) Case No. 1:10-mc-4
)
v.) Collier/Carter
)
STATE OF TENNESSEE,)
RED BANK CONCAVE GOVERNMENT,)
with PORK PROVISIONS)
Defendant.)

REPORT & RECOMMENDATION

Basil Marceaux, Sr., acting *pro se*, has filed an application to proceed in forma pauperis.

Though he did not submit a separate complaint with his application, it appears that he intended the four page application to serve also as his complaint as it lists a number of grievances and states “judgment will be requested.”¹ (Doc. 1 at 3).

Pursuant to the Court’s authority under 28 U.S.C. § 1915(e)(2)(B), a district court shall dismiss a complaint proceeding *in forma pauperis*, if, at any time, it determines the action is frivolous or fails to state a claim upon which relief can be granted. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Frankly, plaintiff’s filing is incomprehensible. I discern no viable claim. The first paragraph of Mr. Marceaux’s “application” is typical of the other allegations in his “application”:

Comes a ombudsman moving party with several cases with pork provisions defendants from a state supreme court, all filed with a forma pauper now request the same status to file this writ of mandamus using a doctrine of estoppels of laches for a three judge court hearing with a jury versus a one judge trial for the

¹The style of this case is reproduced exactly as it appears on Mr. Marceaux’s “application.”

victims of the Battle of Troy which allows the Supremacy Clause of Article VI to be censored and violated on a regular basis while violating R.I.C.O law at traffic stops from 2002 to 2010 in Tennessee to this Court.

(Doc. 1 at 1). Other things Mr. Marceaux is unhappy about include schools teaching ROTC members the wrong way to fly the American flag while celebrating Thanksgiving without inviting “our friends the Indians,” a “concave” government in Red Bank, Tennessee, and a seven foot Greek soldier in a military park in Nashville stealing his right to bear arms.

Because the undersigned finds the document Mr. Marceaux has filed in this Court asking for unspecified relief to be frivolous and nonsensical, it is RECOMMENDED that his application to proceed in forma pauperis be DENIED and this case be DISMISSED with prejudice.²

Dated: June 14, 2010

s/William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE

²Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Fed. R. Civ. P. 72(a). Such objections must conform to the requirements of Rule 72(b) of the Federal Rules of Civil Procedure. Failure to file objections within the time specified waives the right to appeal the District Court’s order. *Thomas v. Arn*, 474 U.S. 140, 88 L.Ed.2d 435, 106 S. Ct. 466 (1985). The district court need not provide *de novo* review where objections to this report and recommendation are frivolous, conclusive or general. *Mira v. Marshall*, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. *Smith v. Detroit Federation of Teachers*, 829 F.2d 1370 (6th Cir. 1987).